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9

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12 IRMA BARBOSA and CECILIA MATA, on
13 behalf of themselves and those similarly
14 situated,

15 Plaintiffs

16 vs.

17 DELTA PACKING COMPANY OF LODI,
18 INC. AKA "DELTA FRESH"; SALINAS
19 FARM LABOR CONTRACTOR, INC.;
20 ERNIE COSTAMAGNA, an individual,
ANNAMARIE COSTAMAGNA, an
individual, and DOES 1-20

21 Defendants.
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Case No. 20-cv-01096-TLN-KJN

**STIPULATION AND ORDER TO
MODIFY INITIAL PRETRIAL
SCHEDULING ORDER**

Trial Date: Not Set

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9 AKA "DELTA FRESH," ERNIE COSTAMAGNA, and

ANNAMARIE COSTAMAGNA

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18 Attorneys for Defendant, SALINAS FARM LABOR CONTRACTOR, INC.

1 This stipulation ("Stipulation") is made between Plaintiffs Irma Barbosa and Cecilia
2 Mata, on behalf of themselves and those similarly situated, and Defendants Delta Packing
3 Company of Lodi, Inc. also known as "Delta Fresh," Salinas Farm Labor Contractor, Inc., Ernie
4 Costamagna, and Annamarie Costamagna (hereinafter collectively, "Parties"), based on the
5 following:

6 **RECITALS**

7 1. Plaintiffs filed their Class Action and FLSA Complaint against Defendants on May
8 29, 2020. Three days later, on June 1, 2020, the Court issued an Initial Pretrial Scheduling Order
9 pursuant to Rule 16 of the Federal Rules of Civil Procedure. Dkt. No. 3. The Parties believed that
10 the dates proposed in the Initial Scheduling Order would later be modified during a Status
11 Conference held on a date to be set by the Court.

12 2. On July 16, 2020, the Parties discussed the anticipated Status Conference and
13 determined that Counsel for Defendants Delta Packing Company of Lodi, Inc. aka "Delta Fresh,"
14 Ernie Costamagna, and Annamarie Costamagna would draft the Joint Status Conference Report
15 after the date for a Status Conference was set by the Court. The Joint Status Conference Report
16 was not drafted by Counsel for the Defendant because the Status Conference was not set by the
17 Court. However, this communication evidences the Parties' shared understanding that a Status
18 Conference would occur.

19 3. On November 2, 2020, the Parties met and conferred pursuant to FRCP Rule 26(f)
20 and agreed that postponing Initial Disclosures would allow the Parties to avoid potentially
21 unnecessary litigation costs. On November 10, 2020, the Parties filed a Joint Stipulation and
22 Order to Continue Time for Initial Disclosures continuing the deadline for Initial Disclosures
23 until ninety (90) days following the original November 16, 2020 deadline. Dkt. No. 13. 4. On
24 February 12, 2021, Plaintiffs filed their Initial Disclosures. On February 16, 2021, Defendants
25 filed their Initial Disclosures.

26 4. At the 26(f) meet and confer on November 2, 2020, the Parties did not stipulate to the
27 continuation of other due dates because they anticipated doing so at a Status Conference.
28 However, the Parties have not attended a Joint Status Conference and therefore have not
modified any other deadlines. For this reason, all due dates in effect, aside from the deadline for
the Initial Disclosures, are those set forth in the Initial Pretrial Scheduling Order.

SO STIPULATED.

Dated: April 23, 2021

Respectfully submitted,

By: /s/ Hector R. Martinez

Hector Martinez
Liliana Garcia
MALLISON & MARTINEZ
Attorneys for Plaintiffs

By: /s/ Christina Tillman

Christina Tillman
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Attorneys for Defendants

By: /s/ Patrick Moody

Patrick Moody
BARSAMIAN & MOODY
Attorneys for Defendants

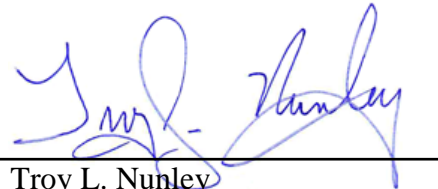
ORDER

After consideration of the Stipulation, the Court's file in this action, and good cause appearing to modify the Initial Pretrial Scheduling Order (Dkt. No. 3), the Court modifies its Initial Pretrial Scheduling Order as follows:

- (a) The Parties must complete all class discovery by April 21, 2022.
- (b) The Parties must designate in writing and file with the Court the name, address, and area of expertise of each expert they proposed to tender at trial not later than sixty (60) days after the close of discovery on April 21, 2022.
- (c) The Parties must file for Class Certification by July 21, 2022.
- (d) The Parties' Deadline to complete merits discovery and trial shall be set after the Court's order on Plaintiffs' Motion for Class Certification.

IT IS SO ORDERED.

Dated: April 26, 2021


Troy L. Nunley
United States District Judge